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BEFORE THE STATE ADMINISTRATIVE TRIBUNAL : BENCH RAIPUR

CGPTSD 4718/05

O.A. No._____2002

APPLICANTS: (1) Chain singh S/o shri Chowaram Pal, age about 41 years, Resident of Gram Damri, Tahsil Khairagarh District Rajnandgaon(C.G.)
Asstt. Teacher, Middle School, Sahaspur Dalli, Block Rajnandgaon Dist. Rajnandgaon
(B.T.I. Examination ~~Exam~~ year 2001, Khairagarh District Education & Training Centre, Khairagarh.)

(2) Manharan Lal Sahu S/o shri Ramcharan Sao age about 43 years, Resident of Gram Sahaspur Dalli, Tahsil & Dist. Rajnandgaon
Asstt. Teacher, Primary School JogiDalli Block- Rajnandgaon.
(B.T.I. Examination year 1992 District Education & Training Centre, Khairagarh.)

(3) Chhagan Lal Dhankar S/o shri Chowaram age about 32 years, Resident of Gram Damri, Tahsil Khairagarh, District Rajnandgaon. Asstt. Teacher-Primary School Kauhakuda, Block- Rajnandgaon, District Rajnandgaon.
(B.T.I. Examination Yr. 1992 in Khairagarh)

(4) Smt. Ram Kumari Tiwari W/o shri Banshi Lal Tiwari age about 45 years, Resident Gram Harduwa Tahsil Bemetara District- Durg.
Asstt. Teacher- Primary School Sahaspur Dalli, Block- Rajnandgaon, District - Rajnandgaon.

(5) Heera Lal Sinha S/o shri Guhri Ram Sinha age about 43 years, Resident at Amlipara Khairagarh, Tahsil Khairagarh District- Rajnandgaon.
Asstt. Teacher- Primary school Bhaisatara Block- Rajnandgaon Tahsil & District - Rajnandgaon.
(B.T.I. Khairagarh Training Centre )

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(6) Ram Gopal Sahu S/o Shri Rama Prasad Sahu aged about 42 years, R/o Gram Uparwah, Block Rajnandgaon Tahsil & Distt.- Rajnandgaon.
Asstt. Teacher- Primary School Nangaldah Block Rajnandgaon Tahsil & Dist.- Rajnandgaon.
(B.T.I. Dongargaon Training Centre in 1992)

(7) Ashok Singh Rajput S/o Shri Jogeshwarsingh aged about 39 years R/o Gram Dhaba, Block Rajnandgaon Tahsil Rajnandgaon & District- Rajnandgaon. Asstt. Teacher- Primary School Dhaba, Block- Rajnandgaon.

(B.Ed. 1991 Raipur Education Mahavidyalay)

(8) Rishi Kumar Dewangan S/o Shri Bholaram Dewangan age about 34 years R/o Gram- Nagpura Tahsil & District- Durg.

Asstt. Teacher- Primary School Maladabri, Tahsil - Block & District- Rajnandgaon.

(D.Ed. 2000 Education Centre, Khairagarh)

VERSUS

NON APPLICANTS: (1) State Govt. of Chhattisgarh
Through - Secretary
School Education Department,
Mantralaya Bhawan Raipur(C.G.)

(2) District Education Officer,
Rajnandgaon(C.G.)

(3) Sankul Principal,
Centre- Bhaisatara - Rajnandgaon
District - Rajnandgaon(C.G.)

APPLICATION U/s 19 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985

Details of Application

1- Particulars of the applicant :-

As mentioned above.

2- Particulars of the non- applicants :-

As mentioned above.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 4718 of 2005

Petitioners : Chain Singh & others

Versus

Respondents : State Govt. of Chhattisgarh & others

**Single Bench**: Hon'ble Mr. Justice **Satish K. Agnihotri**.

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Shri Vivek Shukla, Advocate for the Petitioners.

Shri V. V. S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the State/respondents.

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ORDER

(Passed on this 12th day of December, 2006)

1. The petitioners are working as Assistant Teachers in the government schools. In the course of their services as Assistant Teachers, the petitioners have obtained D.Ed. certificates on their own expenses before 1.3.1999.

2. Learned counsel for the petitioners submits that the 'Basic Training Institute' (B.T.I.) certificate has been renamed by the order of the State Government as 'Diploma in Education' (D.Ed.) certificate. The petitioners, who have obtained D.Ed. certificate prior to 1.3.1999 are entitled to the same relief as is granted to the candidates who had obtained B.T.I./B.Ed. certificates on their own expenses as per the circulars dated 24.12.1998 and 1.3.1999.

3. Learned Deputy Advocate General, appearing for the respondents/State, produced a copy of the memo dated 12.12.2006 issued by the Director, Public Instructions, Chhattisgarh, notice dated 28.1.1995 issued by the Secretary, Board of Secondary Education, Bhopal, and the prospectus of Diploma in Education Examination and submits that the nomenclature of the Basic Training Institute i.e. B.T.I. has been renamed as Diploma in Education i.e. D.Ed. Learned Deputy Advocate General also produced a copy of the circular dated 24.12.1998, issued by the School Education Department, Government of Madhya Pradesh, Bhopal, allowing two increments

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to the teachers who have obtained B.Ed., M.Ed.,B.T.I. examination certificates. The documents are taken on record in W. P. No. 5862/2006.

4. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Certificate on their own expenses, are covered by the circular dated 24.12.98 (Annexure P/7) issued by the State Government of Madhya Pradesh.

5. Further in the matter of Smt. Manorama Shrivastava Vs. State of M.P. and others { 2000 (1) M.P.L.S.R. 136 } the Madhya Pradesh State Administrative Tribunal, Gwalior Bench, while considering the circular dated 1.3.1999 wherein, it is provided that the Assistant Teachers, who have acquired B.Ed. degree at their own cost between 23.10.1964 and 7.5.1973 shall be entitled to two advance increments, relied on decision in the case of Rakesh Kumar Shrivastava Vs. State of M.P. & others passed in O.A.No. 1632/99, decided on 12.10.1999 wherein it is observed that the circular dated 1.3.1999 cannot be made applicable retrospectively. Thus, a teacher, may be Assistant Teacher, who has obtained B.Ed. degree before 1.3.1999 is entitled to two advance increments.

6. It is pointed out by learned counsel appearing for the petitioners that the then State of Madhya Pradesh had filed a Special Leave Petition against the orders passed by the Tribunal and the Hon'ble Supreme Court dismissed Special Leave Petition No. 1999/2000 filed against the order of the Tribunal. Therefore, the direction to the effect that the circular dated 1.3.1999 cannot be made applicable retrospectively, passed by the Tribunal, becomes final and the same shall be applicable to all the Assistant Teachers who have obtained B.Ed./B.T.I. certificate before 1.3.1999. It is further substantiated by a circular dated 17.10.2003 issued by the present State of Madhya Pradesh wherein the circular clearly states about the decision of the Supreme Court.

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7. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

8. Accordingly, in the event D.Ed. certificate holders are equal to B.T.I./B.Ed. certificate holders, they are entitled to the same relief in terms of the orders passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired D.Ed. Certificate on their own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

9. A copy of this order be placed on record in connected matter.

Sd/-
Satish K. Agnihotri
Judge

Thakur